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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Roaming Obligations of Commercial Mobile Radio Service Providers
WT Docket No. 05-265

Dear Ms. Dortch:

AT&T would like to respond to allegations concerning its data roaming negotiations with CTC Telecom, dba Mosaic Telecom ("Mosaic"), made in an ex parte letter filed by Mosaic's counsel January 14, 2011.¹ While Mosaic characterizes its negotiations with AT&T as evidence for the need for a mandated data roaming requirement, exactly the opposite is true – the exchanges point to an ongoing negotiation between two parties who have a current data roaming contract which one party is seeking to amend to include an additional service.

Mosaic is located in Northern Wisconsin where it advertises mobile services, including data and Internet services. AT&T and Mosaic currently have a data roaming agreement, which allows for roaming on the AT&T 2.5G network. In August of 2010, Mosaic contacted AT&T to propose that they amend their current (June 2009) roaming agreement to include some former Alltel properties AT&T acquired in June of 2010.

Later, as part of these roaming negotiations *AT&T*, not Mosaic, initiated discussions regarding the possibility of adding 3G data roaming to the parties' data roaming agreement. Mosaic admits that "AT&T did in fact reach out to Mosaic on November 15, 2010 to negotiate a 3G data roaming agreement." It adds that Mosaic responded with "proposed roaming rates on the very same day" but that after a short series of e-mail exchanges, "AT&T has stopped communicating with Mosaic." Mosaic omits to note that its proposal was to immediately reduce the contract rates for all roaming traffic – 2G and 3G – by more than 70 percent from the levels to which AT&T and Mosaic had agreed in their existing contract. Moreover, AT&T has not "stopped

¹ Letter from Daryl A. Zakov, Bennet & Bennet, PLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 (filed January 14, 2010).

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communicating” with Mosaic-- AT&T is in the process of responding to Mosaic’s rate proposal. Of course, because Mosaic’s 3G devices operate in AWS, 1900 and 850, it has competing alternatives for national 3G roaming, including T-Mobile, which already provides 3G roaming to other HSPA carriers.

Despite the rhetoric in this proceeding, the facts continue to show that data roaming agreements are commonplace and that 3G data roaming agreements are being negotiated. AT&T has over 50 domestic data roaming agreements and has opened negotiation channels with over 40 of those carriers to determine whether there is an interest in amending current agreements to include 3G data roaming on commercially negotiated terms. As the Mosaic discussions also reflect, AT&T is in the process of amending many of its current agreements to add the recently acquired Alltel properties. There is no need to insert into these long established business relationships a new regulatory requirement. Even if the FCC had the necessary authority to do so (and it does not), as a policy matter the FCC should decline Mosaic’s invitation to regulate what are essentially disagreements among carriers over what rates should govern their roaming agreements.

In accordance with the Commission’s rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,

Jeanine Poltronieri